(I) disclose only the country and, if applicable, the State in which such seller resides; and

(II) inform consumers that there is no business address available for the seller and that consumer inquiries should be submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace.

(ii) If such seller certifies to the online marketplace that the seller is a business that has a physical address for product returns, the online marketplace may disclose the seller's physical address for product returns.

(iii) If such seller certifies to the online marketplace that the seller does not have a phone number other than a personal phone number, the online marketplace shall inform consumers that there is no phone number available for the seller and that consumer inquiries should be submitted to the seller's email address or other means of electronic messaging provided to such seller by the online marketplace.

(B) LIMITATION ON EXCEPTION.—If an online marketplace becomes aware that a high-volume third party seller has made a false representation to the online marketplace in order to justify the provision of a partial disclosure under subparagraph (A) or that a high-volume third party seller who has requested and received a provision for a partial disclosure under subparagraph (A) has not provided responsive answers within a reasonable time frame to consumer inquiries submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace, the online marketplace shall suspend the selling privileges of such seller unless such seller consents to the disclosure of the identity information required under paragraph (1)(B)(i).

(3) REPORTING MECHANISM.—An online marketplace shall disclose to consumers in a clear and conspicuous manner on the product listing of any high-volume third party seller—

(A) a reporting mechanism that allows for electronic and telephonic reporting of suspicious marketplace activity to the online marketplace; and

(B) a message encouraging consumers seeking goods for purchase to report suspicious marketplace activity to the online marketplace.

(4) COMPLIANCE.—If a high-volume third party seller does not comply with the requirements to provide and disclose information under this subsection, the online marketplace shall suspend any future sales activity of such seller or any payments to such seller for prior sales activity until such seller complies with such requirements.

(c) ENFORCEMENT.—

(1) UNFAIR AND DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) or (b) by an online marketplace shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF THE COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(B) PRIVILEGES AND IMMUNITIES.—Any person that violates subsection (a) or (b) shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(3) REGULATIONS.—The Commission may promulgate regulations under section 553 of title 5, United States Code, with respect to the collection, verification, or disclosure of information under this section, provided that such regulations are limited to what is necessary to collect, verify, and disclose such information.

(4) AUTHORITY PRESERVED.—Nothing in this Act shall be construed to limit the authority of the Commission under any other provision of law.

(d) SEVERABILITY.—If any provision of this section, or the application thereof to any person or circumstance, is held invalid, the remainder of this section and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected by the invalidation.

(e) DEFINITIONS.—In this Act:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) CONSUMER PRODUCT.—The term ''consumer product'' has the meaning given such term in section 101 of the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act (15 U.S.C. 2301 note) and section 700.1 of title 16, Code of Federal Regulations.

(3) HIGH-VOLUME THIRD PARTY SELLER.—The term ''high-volume third party seller'' means a participant on an online marketplace's platform who is a third party seller and who, in any continuous 12-month period during the previous 24 months, has entered into 200 or more discrete sales or transactions of new or unused consumer products resulting in the accumulation of an aggregate total of $5,000 or more in gross revenues.

(4) ONLINE MARKETPLACE.—The term ''online marketplace'' means any person or entity that operates an electronically based or accessed platform that—

(A) includes features that allow for, facilitate, or enable third party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in the United States; and

(B) is used by one or more third party sellers for such purposes.

(5) SELLER.—The term ''seller'' means a person who sells, offers to sell, or contracts to sell a consumer product through an online marketplace's platform.

(6) THIRD PARTY SELLER.—

(A) IN GENERAL.—The term ''third party seller'' means any seller, independent of an online marketplace, who sells, offers to sell, or contracts to sell a consumer product in the United States through such online marketplace's platform.

(B) EXCLUSIONS.—The term ''third party seller'' does not include, with respect to an online marketplace, a seller—

(i) who operates the online marketplace's platform; or

(ii) who—

(I) is a business entity that has made available to the general public the entity's name, business address, and working contact information;

(II) has an ongoing contractual relationship with the online marketplace to provide for the manufacture, distribution, wholesaling, or fulfillment of shipments of consumer products; and

(III) has provided to the online marketplace identifying information, as described in subsection (a), that has been verified in accordance with that subsection.

(7) VERIFY.—The term ''verify'' means to confirm information provided to an online marketplace pursuant to this section by the use of one or more methods that enable the online marketplace to reliably determine that any information and documents provided are valid, corresponding to the seller or an individual acting on the seller's behalf, not misappropriated, and not falsified.

(f) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act.

SA 1630. Mr. TOOMEY (for himself, Mr. CRAPO, Mr. CARPER, Mr. KING, Mr. LANKFORD, Mrs. FEINSTEIN, Mr. CORNYN, Mr. JOHNSON, Mr. KAINE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. 6302. LIMITATIONS ON AUTHORITY OF PRESIDENT TO ADJUST IMPORTS DETERMINED TO THREATEN TO IMPAIR NATIONAL SECURITY.

(a) LIMITATION ON ARTICLES FOR WHICH ACTION MAY BE TAKEN.—Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended—

(1) by striking ''an article'' each place it appears and inserting ''a covered article'';

(2) by striking ''any article'' each place it appears and inserting ''any covered article'';

(3) by striking ''the article'' each place it appears and inserting ''the covered article'';

(4) in the first subsection (d), by striking ''In the administration'' and all that follow through ''national security.''; and

(5) by adding at the end the following:

''(i) DEFINITIONS.—In this section:

''(1) COVERED ARTICLE.—The term 'covered article' means an article related to the development, maintenance, or protection of military equipment, energy resources, or critical infrastructure essential to national security.

''(2) NATIONAL SECURITY.—The term 'national security'—

''(A) means the protection of the United States from foreign aggression; and

''(B) does not otherwise include the protection of the general welfare of the United States.''.

(b) RESPONSIBILITY OF SECRETARY OF DEFENSE FOR INVESTIGATIONS.—Section 232(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1862(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''the Secretary of Commerce (hereafter in the section referred to as the 'Secretary')'' and inserting ''the Secretary of Defense''; and

(B) in subparagraph (B)—

(i) by striking ''The Secretary'' and inserting ''The Secretary of Defense''; and

(ii) by striking ''the Secretary of Defense'' and inserting ''the Secretary of Commerce'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''the Secretary'' and inserting ''the Secretary of Defense''; and

(ii) in clause (i), by striking ''the Secretary of Defense'' and inserting ''the Secretary of Commerce''; and

(B) by amending subparagraph (B) to read as follows:

''(B) Upon the request of the Secretary of Defense, the Secretary of Commerce shall provide to the Secretary of Defense an assessment of the quantity of imports of any

covered article that is the subject of an investigation conducted under this subsection and the circumstances under which the covered article is imported.'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the first sentence, by striking ''the Secretary shall submit'' and all that follows through ''recommendations of the Secretary'' and inserting ''the Secretary of Defense and the Secretary of Commerce shall jointly submit to the President a report on the findings of the investigation and, based on such findings, the recommendations of the Secretary of Commerce''; and

(ii) in the second sentence, by striking ''Secretary finds'' and all that follows through ''Secretary shall'' and inserting ''Secretaries find that the covered article is being imported into the United States in such quantities or under such circumstances as to be a substantial cause of a threat to impair the national security, the Secretaries shall''; and

(B) in subparagraph (B), by striking ''by the Secretary''; and

(4) in paragraph (4), by striking ''Secretary'' and inserting ''Secretary of Defense''.

(c) DETERMINATIONS OF PRESIDENT.—Section 232(c) of the Trade Expansion Act of 1962 (19 U.S.C. 1862(c)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (B);

(B) in the matter preceding clause (i)—

(i) by striking ''(A) Within'' and inserting ''Within''; and

(ii) by striking ''in which the Secretary'' and inserting ''that'';

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(D) in subparagraph (A), as redesignated by subparagraph (C), by striking ''of the Secretary''; and

(E) by amending subparagraph (B), as redesignated by subparagraph (C), to read as follows:

''(B) if the President concurs, submit to Congress, not later than 15 days after making that determination, a proposal regarding the nature and duration of the action that, in the judgment of the President, should be taken to adjust the imports of the covered article and its derivatives so that such imports will not be a substantial cause of a threat to impair the national security.''; and

(2) by striking paragraphs (2) and (3) and inserting the following:

''(2) The President shall submit to Congress for review under subsection (f) a report describing the action proposed to be taken under paragraph (1) and specifying the reasons for such proposal. Such report shall be included in the report published under subsection (e).''.

(d) CONGRESSIONAL APPROVAL OF PRESIDENTIAL ADJUSTMENT OF IMPORTS.—Section 232(f) of the Trade Expansion Act of 1962 (19 U.S.C. 1862(f)) is amended to read as follows:

''(f) CONGRESSIONAL APPROVAL OF PRESIDENTIAL ADJUSTMENT OF IMPORTS; JOINT RESOLUTION OF APPROVAL.—

''(1) IN GENERAL.—An action to adjust imports proposed by the President in a report submitted to Congress under subsection (c)(2) shall have force and effect only if, during the period of 60 calendar days beginning on the date on which the report is submitted, a joint resolution of approval is enacted pursuant to paragraph (2).

''(2) JOINT RESOLUTIONS OF APPROVAL.—

''(A) JOINT RESOLUTION OF APPROVAL DEFINED.—In this subsection, the term 'joint resolution of approval' means only a joint resolution of either House of Congress—

''(i) the title of which is as follows: 'A joint resolution approving the proposal of the President to take an action relating to the adjustment of imports entering into the United States in such quantities or under such circumstances as to threaten or impair the national security.'; and

''(ii) the sole matter after the resolving clause of which is the following: 'Congress approves of the proposal of the President relating to the adjustment of imports to protect the national security as described in the report submitted to Congress under section 232(c)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1862(c)(2)) on _____ relating to _____.', with the first blank space being filled with the appropriate date and the second blank space being filled with a short description of the proposed action.

''(B) INTRODUCTION.—During the period of 60 calendar days provided for under paragraph (1), a joint resolution of approval may be introduced in either House by any Member.

''(C) CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

''(i) COMMITTEE REFERRAL.—A joint resolution of approval introduced in the House of Representatives shall be referred to the Committee on Ways and Means.

''(ii) REPORTING AND DISCHARGE.—If the Committee on Ways and Means has not reported the joint resolution of approval within 10 calendar days after the date of referral, the Committee shall be discharged from further consideration of the joint resolution.

''(iii) PROCEEDING TO CONSIDERATION.—Beginning on the third legislative day after the Committee on Ways and Means reports the joint resolution of approval to the House or has been discharged from further consideration thereof, it shall be in order to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(iv) FLOOR CONSIDERATION.—The joint resolution of approval shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except 2 hours of debate equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

''(D) CONSIDERATION IN THE SENATE.—

''(i) COMMITTEE REFERRAL.—A joint resolution of approval introduced in the Senate shall be referred to the Committee on Finance.

''(ii) REPORTING AND DISCHARGE.—If the Committee on Finance has not reported the joint resolution of approval within 10 calendar days after the date of referral of the joint resolution, the Committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be placed on the appropriate calendar.

''(iii) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time after the Committee on Finance reports a joint resolution of approval or has been discharged from consideration of such a joint resolution to move to proceed to the consideration of the joint resolution. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

''(iv) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution of approval shall be decided by the Senate without debate.

''(E) TREATMENT OF HOUSE JOINT RESOLUTION IN SENATE.—

''(i) COMMITTEE REFERRAL.—Except as provided in clause (ii), a joint resolution of approval that has passed the House of Representatives shall, when received in the Senate, be referred to the Committee on Finance for consideration in accordance with subparagraph (D).

''(ii) CONSIDERATION OF HOUSE RESOLUTION.—If a joint resolution of approval was introduced in the Senate before receipt of a joint resolution of approval that has passed the House of Representatives—

''(I) the joint resolution from the House of Representatives shall, when received in the Senate, be placed on the calendar; and

''(II) the procedures in the Senate with respect to a joint resolution of approval introduced in the Senate shall be the same as if no joint resolution of approval had been received from the House of Representatives, except that the vote on passage in the Senate shall be on the joint resolution that passed the House of Representatives.

''(iii) HOUSE RESOLUTION RECEIVED AFTER PASSAGE BY SENATE.—If the Senate passes a joint resolution of approval before receiving a joint resolution of approval from the House of Representatives, the joint resolution of the Senate shall be held at the desk pending receipt of the joint resolution from the House of Representatives. Upon receipt of the joint resolution of approval from the House of Representatives, such joint resolution shall be deemed to be read twice, considered, read the third time, and passed.

''(iv) CONSIDERATION OF HOUSE RESOLUTION IF NO RESOLUTION INTRODUCED IN SENATE.—If the Senate receives a joint resolution of approval from the House of Representatives, and no joint resolution of approval has been introduced in the Senate, the procedures described in subparagraph (D) shall apply to consideration of the joint resolution of the House.

''(F) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This paragraph is enacted by Congress—

''(i) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

''(ii) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.''.

(e) EXCLUSION PROCESS; REPORT.—Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended by inserting after subsection (f) the following:

''(g) ADMINISTRATION OF EXCLUSION PROCESS.—

''(1) IN GENERAL.—The United States International Trade Commission shall administer a process for granting requests for the exclusion of covered articles from any actions, including actions to impose duties or quotas, taken by the President under subsection (c).

''(2) REQUIREMENTS.—In administering the process required by paragraph (1), the International Trade Commission shall—

''(A) consider, when determining whether to grant an exclusion with respect to a covered article, if the covered article is produced in the United States and is of sufficient quality, available in sufficient quantities, and available on a reasonable timeframe;

''(B) ensure that an exclusion granted with respect to a covered article is available to any person that imports the covered article; and

''(C) not disclose business proprietary information.

''(3) PUBLICATION OF PROCEDURES.—The International Trade Commission shall publish in the Federal Register and make available on a publicly available internet website of the Commission a description of the procedures to be followed by a person requesting an exclusion under paragraph (1) with respect to a covered article.

''(h) REPORT BY INTERNATIONAL TRADE COMMISSION.—Not later than 18 months after the President takes action under subsection (c) to adjust imports of a covered article, the International Trade Commission shall submit to Congress a report assessing the effects of the action on—

''(1) the industry to which the covered article relates; and

''(2) the overall economy of the United States.''.

(f) CONFORMING AMENDMENTS.—Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862), as amended by this section, is further amended—

(1) in the first subsection (d), by striking ''the Secretary and the President'' each place it appears and inserting ''the Secretary of Defense, the Secretary of Commerce, and the President'';

(2) by redesignating the second subsection (d) as subsection (e); and

(3) in paragraph (1) of subsection (e), as redesignated by paragraph (2), by striking ''the Secretary'' and inserting ''the Secretary of Defense''.

(g) EFFECTIVE DATE.—Except as provided by subsection (h), the amendments made by this section shall apply with respect to any proposed action under section 232(c) of the Trade Expansion Act of 1962 (19 U.S.C. 1862(c)) on or after the date of the enactment of this Act.

SA 1631. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II of division C, add the following:

SEC. 3219L. BLOCKING DEADLY FENTANYL IMPORTS.

(a) SHORT TITLE.—This section may be cited as the ''Blocking Deadly Fentanyl Imports Act''.

(b) DEFINITIONS.—Section 481(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''in which'';

(B) in subparagraph (A), by inserting ''in which'' before ''1,000'';

(C) in subparagraph (B)—

(i) by inserting ''in which'' before ''1,000''; and

(ii) by striking ''or'' at the end;

(D) in subparagraph (C)—

(i) by inserting ''in which'' before ''5,000''; and

(ii) by inserting ''or'' after the semicolon; and

(E) by adding at the end the following:

''(D) that is a significant source of illicit synthetic Aopioids significantly affecting the United States;''; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking ''and'' at the end; and

(B) by adding at the end the following:

''(E) assistance that furthers the objectives set forth in paragraphs (1) through (4) of section 664(b) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2151n–2(b));

''(F) assistance to combat trafficking authorized under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 et seq.)); and

''(G) global health assistance authorized under sections 104 through 104C of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b through 22 U.S.C. 2151b–4).''.

(c) INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by adding at the end the following:

''(10) A separate section that contains the following:

''(A) An identification of the countries, to the extent feasible, that are the most significant sources of illicit fentanyl and fentanyl analogues significantly affecting the United States during the preceding calendar year.

''(B) A description of the extent to which each country identified pursuant to subparagraph (A) has cooperated with the United States to prevent the articles or chemicals described in subparagraph (A) from being exported from such country to the United States.

''(C) A description of whether each country identified pursuant to subparagraph (A) has adopted and utilizes scheduling or other procedures for illicit drugs that are similar in effect to the procedures authorized under title II of the Controlled Substances Act (21 U.S.C. 811 et seq.) for adding drugs and other substances to the controlled substances schedules;

''(D) A description of whether each country identified pursuant to subparagraph (A) is following steps to prosecute individuals involved in the illicit manufacture or distribution of controlled substance analogues (as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32)); and

''(E) A description of whether each country identified pursuant to subparagraph (A) requires the registration of tableting machines and encapsulating machines or other measures similar in effect to the registration requirements set forth in part 1310 of title 21, Code of Federal Regulations, and has not made good faith efforts, in the opinion of the Secretary, to improve regulation of tableting machines and encapsulating machines.''.

(d) WITHHOLDING OF BILATERAL AND MULTILATERAL ASSISTANCE.—

(1) IN GENERAL.—Section 490(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j(a)) is amended—

(A) in paragraph (1), by striking ''or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act'' and inserting ''country identified pursuant to section 489(a)(8)(A), or country thrice identified during a 5-year period pursuant to section 489(a)(10)(A)''; and

(B) in paragraph (2), by striking ''or major drug-transit country (as determined under subsection (h)) or country identified pursuant to clause (i) or (ii) of section 489(a)(8)(A) of this Act'' and inserting '', major drug-transit country, country identified pursuant to section 489(a)(8)(A), or country thrice identified during a 5-year period pursuant to section 489(a)(10)(A)''.

(2) DESIGNATION OF ILLICIT FENTANYL COUNTRIES WITHOUT SCHEDULING PROCEDURES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''also'';

(B) in subparagraph (A)(ii), by striking ''and'' at the end;

(C) by redesignating subparagraph (B) as subparagraph (D);

(D) by inserting after subparagraph (A) the following:

''(B) designate each country, if any, identified under section 489(a)(10) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(10)) that has failed to adopt and utilize scheduling procedures for illicit drugs that are comparable to the procedures authorized under title II of the Controlled Substances Act (21 U.S.C. 811 et seq.) for adding drugs and other substances to the controlled substances schedules;''; and

(E) in subparagraph (D), as redesignated, by striking ''so designated'' and inserting ''designated under subparagraph (A), (B), or (C)''.

(3) DESIGNATION OF ILLICIT FENTANYL COUNTRIES WITHOUT ABILITY TO PROSECUTE CRIMINALS FOR THE MANUFACTURE OR DISTRIBUTION OF FENTANYL ANALOGUES.—Section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(2)), as amended by paragraph (2), is further amended by inserting after subparagraph (B) the following:

''(C) designate each country, if any, identified under section 489(a)(10) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)(10)) that has not taken significant steps to prosecute individuals involved in the illicit manufacture or distribution of controlled substance analogues (as defined in section 102(32) of the Controlled Substances Act (21 U.S.C. 802(32));''.

(4) LIMITATION ON ASSISTANCE FOR DESIGNATED COUNTRIES.—Section 706(3) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(3)) is amended by striking ''also designated under paragraph (2) in the report'' and inserting ''designated in the report under paragraph (2)(A) or thrice designated during a 5-year period in the report under subparagraph (B) or (C) of paragraph (2)''.

(5) EXCEPTIONS TO THE LIMITATION ON ASSISTANCE.—Section 706(5) of the Foreign Relations Authorization Act, Fiscal Year 2003 (22 U.S.C. 2291j–1(5)) is amended—

(A) by redesignating subparagraph (C) as subparagraph (F);

(B) by inserting after subparagraph (B) the following:

''(C) Notwithstanding paragraph (3), assistance to promote democracy (as described in section 481(e)(4)(E) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)(E))) shall be provided to countries identified in a report under paragraph (1) and designated under subparagraph (B) or (C) of paragraph (2), to the extent such countries are otherwise eligible for such assistance, regardless of whether the President reports to the appropriate congressional committees in accordance with such paragraph.

''(D) Notwithstanding paragraph (3), assistance to combat trafficking (as described in section 481(e)(4)(F) of such Act) shall be provided to countries identified in a report